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FEDERAL PUBLIC DEFENDER  
FOR THE DISTRICT OF ALASKA  
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Attorney for Defendant

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHNNY LEE NAPIER,

Defendant.

Case No. 4:04-cr-0033-JWS

**MOTION TO WITHDRAW AND  
REQUEST TO APPOINT APPELLATE  
COUNSEL FROM CJA LIST**

The Federal Defender for the District of Alaska, on behalf of Johnny Lee Napier, asks the court for leave to withdraw as counsel of record and for authority to appoint substitute counsel from the CJA Panel to represent Mr. Napier in this matter. Mr. Napier filed his notice of appeal on January 11, 2007, and no briefing schedule has been issued.

Relieving the Federal Defender is appropriate because Mr. Napier has expressed a desire to discuss with independent counsel as to whether his Federal Defender violated his Sixth Amendment right to effective assistance of counsel.

This motion is based on the affidavit of M. J. Haden filed herewith.

DATED this 16th day of January, 2007.

Respectfully submitted,

FEDERAL PUBLIC DEFENDER  
FOR THE DISTRICT OF ALASKA

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Certification:

I certify that on January 16, 2007, a copy of the foregoing document, with attachments, was served electronically on:

Stephen Cooper, Esq.

/s/ M. J. Haden